# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

BEAVER COUNTY RETIR	REMENT BOAR	D, )	
Individually and On Behalf of All Others		)	Lead Case No. 1:07-cv-00750-SJD
Similarly Situated,		)	(Consolidated with No. 1:07-cv-00816-SJD
		)	and No. 1:07-cv-00941-SJD)
	Plaintiff,	)	
		)	Judge Susan J. Dlott
VS.		)	
		)	
LCA-VISION INC., et al.,		)	
		)	
	Defendants.	)	
		)	

# APPENDIX OF DOCUMENTS SUBMITTED IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS THE CONSOLIDATED COMPLAINT WITH PREJUDICE

FROST BROWN TODD LLC Grant S. Cowan 2200 PNC Center 201 East Fifth Street Cincinnati, OH 45202-4182 Tel: (513) 651-6745 Fax: (513) 651-6981

gcowan@fbtlaw.com

#### BINGHAM McCUTCHEN LLP

Jordan D. Hershman
Jason D. Frank
Jason L. Watkins
One Federal Street
Boston, MA 02110-1726
Tel: (617) 951-8000
Fax: (617) 951-8736
jordan.hershman@bingham.com
jason.frank@bingham.com
jason.watkins@bingham.com

Attorneys for Defendants

#### TABLE OF CONTENTS

## **TAB DESCRIPTION** 1. Bloomberg Chart of Conference Board Consumer Confidence Index, Sept. 2006 – Nov. 2007 Form 10-K for 2005 2. 3. LCA-Vision Definitive Proxy Statement (Form DEF 14A) for 2006 4. Form 8-K dated September 29, 2006 Form 8-K dated October 24, 2006 5. 6. Form 10-Q for Q3 2006 7. Form 8-K dated November 6, 2006 8. Form 8-K dated February 12, 2007 9. Form 10-K for 2006 10. Form 8-K dated March 27, 2007 11. Form 8-K dated Apr. 18, 2007 12. Form 10-K/A for 2006 13. Form 8-K dated May 9, 2007 14. LCA-Vision Definitive Proxy Statement (Form DEF 14A) for 2007 15. Form 8-K dated July 31, 2007 16. Form 8-K dated October 30, 2007 17. Form 10-K for 2007 18. LCA-Vision Definitive Proxy Statement (Form DEF 14A) for 2008 19. Press Release dated February 3, 2006 20. Press Release dated November 2, 2006 21. Conference Call transcript dated October 2, 2006 22. Conference Call transcript dated February 12, 2007

## **TAB DESCRIPTION** 23. Conference Call transcript dated April 18, 2007 24. Conference Call transcript dated May 9, 2007 25. William Blair & Company 27th Annual Growth Stock Conference transcript dated June 21, 2007 Jefferies Healthcare Conference transcript dated June 26, 2007 26. 27. Conference Call transcript dated July 31, 2007 28. Conference Call transcript dated October 30, 2007 29. Conference Call transcript dated February 11, 2008 30. JMP Securities Research Conference slideshow presentation dated May 23, 2007 31. FTN Midwest Healthcare Conference slideshow presentation dated June 6, 2007 32. William Blair 27th Annual Growth Stock Conference slideshow presentation dated June 21, 2007 33. Jefferies Healthcare Conference slideshow presentation dated June 26, 2007 34. "Investor Presentation" dated August 2007 35. Maxim Group First Annual Growth Conference slideshow presentation dated September 20, 2007 36. David Harmon, Q1-2007 Refractive Volumes Record High, Ophthalmic Market Perspectives (Market Scope), May 9, 2007 37. David Harmon, Q2-2007 Refractive Volume Grows 2.9 Percent, Ophthalmic Market Perspectives (Market Scope), Aug. 9, 2007 38. David Harmon, Little Change in Q3-2007 Refractive Volume, Ophthalmic Market Perspectives (Market Scope), Nov. 5, 2007 39. Maxim Group Report dated May 10, 2007 Oppenheimer Report dated Aug. 1, 2007 40.

# <u>TAB</u> <u>DESCRIPTION</u>

- 41. <u>FSB 100: America's Fastest Growing Small Companies</u>, Fortune Small Business, July/August 2006
- 42. <u>Hot Growth Companies</u>, Business Week, June 5, 2006
- 43. Hot Topic: "Goldilocks" Economy: Can It Last?, Wall St. J., Feb. 3, 2007
- 44. Louise Kramer, <u>A Quick Brunello on the Way to Rome</u>, N.Y. Times, Sept. 16, 2007
- 45. <u>U.S. Leading Economic Indicators and Related Composite Indexes for August 2007</u>, The Conference Board, Sept. 20, 2007
- 46. Bloomberg News, <u>Economic Indicators Drop the Most in 6 Months as</u>
  <u>Confidence Ebbs</u>, N.Y. Times, Sept. 21, 2007
- 47. Sudeep Reddy, <u>Consumer Gloom Adds to Recession Risk</u>, Wall St. J., Nov. 28, 2007
- 48. Barnaby J. Feder, <u>As Economy Slows</u>, <u>So Do Laser Eye Surgeries</u>, N.Y. Times, April 24, 2008
- 49. Bloomberg Historical Price Information for LCA-Vision Stock
- 50. Summary of Individual Defendants' Trading Activity in LCAV Securities During Proposed Class Period, and Forms 3, 4 and 5
- 51. FAS 5: Accounting for Contingencies

CINLibrary 0047422.0555276 1866141v1